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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/747,722	12/29/2003	Axel Preusse	2000.109700	5854	
7590 07/28/2004			EXAM	EXAMINER	
J. Mike Amerson			WOJCIECHOWICZ,	WOJCIECHOWICZ, EDWARD JOSEPH	
Williams, Morg	gan & Amerson, P.C.				
Suite 1100			ART UNIT	PAPER NUMBER	
10333 Richmond			2815		
Houston, TX 77042			DATE MAILED: 07/28/2004		

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.   Application No.   Application No.   Applicant(s)   PREUSSE ET AL.								
Examiner  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Raply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE   MONTH(S) FROM  THE MAILING DATE OF THIS COMMUNICATION.  - Buriation of time may be available under the previouse 37 CFR 138(a). In a cerent, however, may a raply be limitly filed  - If the period for reply is secled above, the maximum statutory paried with the stantabry minimum of their (33) days will be considered timely.  - If the period for reply is secled above, the maximum statutory paried will apply and will explose 50 (6) MONTHS from the mailing date of this communication.  - If the period for reply is secledad above, the maximum statutory paried will apply and will explose 50 (6) MONTHS from the mailing date of this communication, even if timely filed, may reduce a ray search paried by the Citose lates the time time members and after the mailing date of this communication, even if timely filed, may reduce a ray search paried by the Citose lates the time real mailing date of this communication, even if timely filed, may reduce a ray search paried by the Citose lates the market and the maximum statutory paried will apply and will explose 50 (6) MONTHS from the mailing date of this communication, even if timely filed, may reduce a ray search paried paried by the Citose them deplaced to this communication.  - Status  1)  Responsive to communication(s) filed on		Application No.	Applicant(s)					
Edward J Wojciechowicz   2815   America   2815   Americ	Office Action Summan							
The MALLING DATE of this communication appears on the cover sheet with the correspondence address — Period for Raply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION.  1 Experience from mybe available used the previous of 3°CPR 1.73(a). In no event, however, may a reply be timely filled.  1 the period for reply aspecified show is less than timy; (30) deps, are play within the statutory minimum of timy; (30) deps will be considered timely.  1 the period for reply aspecified show is less than timy; (30) deps, are play within the statutory minimum of timy; (30) deps will be considered dimely.  1 the period for reply aspecified show when the manufactory period will expery within the statutory minimum of timy; (30) deps will be considered dimely.  1 the period for reply aspecified show is less than timy; (30) deps, are play within the statutory minimum of timy; (30) deps will be considered dimely.  1 the period for reply aspecified and the statutory minimum of timy; (30) deps will be considered dimely.  1 the period for reply aspective, when manufactory period will experience the statutory minimum of timy; (30) deps will be considered dimely.  1 the period for reply aspective, when manufactory period will be prevented aspective.  1 the period for reply aspective.  1 the period for reply aspective to the statutory minimum of timy; (30) deps will be considered dimely.  1 the period for reply aspective.  1 the period for reply aspective.  2 the period for reply aspective.  3 the period for reply aspective.  3 the period for reply aspective.  4 the period for reply aspective.  4 the period for reply aspective.  4 the period for reply aspective.  5	Office Action Summary		Art Unit	and				
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THE MAILING DATE OF THIS COMMUNICATION.  Etanciase of airm empty evaluate under the provisions of 3 CFR 113(e). In an event, however, may a reply be timely filled after SIX (8) MONTHS from the mailing date of his communication. 23 CFR 113(e). In an event, however, may a reply be timely filled after SIX (8) MONTHS from the mailing date of his communication (2004). The control of the provision of								
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2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1-22 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  6)  Claim(s) is/are allowed.  6)  Claim(s) is/are objected to.  8)  Claim(s) 1-22 are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b) Some * c) None of:  1.  Certified copies of the priority documents have been received in Application No.  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.	Status							
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Application/Control Number: 10/747,722 Page 2

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## **DETAILED ACTION**

## Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 19-22, drawn to a semiconductor device, classified in class 257, subclass 466.

II. Claims 1-18, drawn to a method, classified in class 438, subclass 415.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the metal layer stack can be formed other than the central region.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward J Wojciechowicz whose telephone number is 571-27-1739. The examiner can normally be reached on Monday through Wednesday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Thomas can be reached on (571) 272-1664. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application
Information Retrieval (PAIR) system. Status information for published applications may be obtained from
either Private PAIR or Public PAIR. Status information for unpublished applications is available through
Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should
you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC)
at 866-217-9197 (toll-free).

Edward J Wojciechowicz Primary Examiner Art Unit 2815

EW: ew